

## Foster, Denise

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**From:** Wynne, Roger [Roger.Wynne@seattle.gov]  
**Sent:** Wednesday, April 10, 2013 5:39 PM  
**To:** Foster, Denise  
**Subject:** CJC 2.9, Comment 5

Dear Ms. Foster.

I spotted three issues with the proposed amendment to Comment 5 of CJC 2.9:

1. "SCJA" is not defined within the CJs.
2. The amendment appears to be under-inclusive. Shouldn't this comment apply even if the SCJA changes the name of "Mentor Judge Program"? Might there be other mentoring programs—perhaps set up by district or appellate court judges associations—that would also serve the purpose?
3. Shouldn't any consultation with a retired judge also be subject to the limitation in the first sentence about avoiding ex parte discussions of a case with judges who have previously been disqualified from hearing the matter?

To address these issues, you might want to consider the following reformulation of the amendment:

[5] A judge may consult ~~with other judges on pending matters~~ with other judges, or with retired judges who no longer practice law and are enrolled in a formal judicial mentoring program (such as the Washington Superior Court Judges' Association Mentor Judge Program). ~~but~~ Such consultations must avoid ex parte discussions of a case with judges or retired judges who have previously been disqualified from hearing the matter, and with judges who have appellate jurisdiction over the matter.

(Please let me know if my use of underlining and strike-through fonts in that paragraph did not transmit to you.)

Thank you very much for considering my input.

Sincerely,  
- Roger Wynne



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